UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-6715

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

JAMES CAUTHEN WARTHEN, JR., a/k/a Marando
Edwin Warthen, a/k/a James Carthen Warthen,
a/k/a Figre,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern
District of Virginia, at Alexandria. Claude M. Hilton, District
Judge. (CR-03-370; CA-04-1487)

Submitted: November 22, 2005   Decided: December 2, 2005

Before MOTZ, TRAXLER, and GREGORY, Circuit Judges.

Dismissed by unpublished per curiam opinion.

James Cauthen Warthen, Jr., Appellant Pro Se. Robert Charles
Erickson, Jr., Paul Joseph McNulty, United States Attorney,
Alexandria, Virginia, for Appellee.

PER CURIAM:

James Cauthen Warthen, Jr., seeks to appeal the district court's order denying relief on his motion filed under 28 U.S.C. § 2255 (2000). An appeal may not be taken from the final order in a § 2255 proceeding unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000). A prisoner satisfies this standard by demonstrating that reasonable jurists would find that his constitutional claims are debatable and that any dispositive procedural rulings by the district court are also debatable or wrong. See Miller-El v. Cockrell, 537 U.S. 322, 336 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683 (4th Cir. 2001). We have independently reviewed the record and conclude that Warthen has not made the requisite showing. Accordingly, we deny Warthen's motion for a certificate of appealability and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED